



**US Army Corps
of Engineers.**

Public Notice

Public Notice No. 05-74

Date: September 9, 2005

Nashville District

Application Nos. 2005-01891/2005-01892 Expires: September 29, 2005

Please address all written responses to Attn: Lisa Morris
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214 (Telephone 615/369-7504)

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Group Dredging at Mud Creek Mile 1.5, Right Bank, Guntersville Lake, Tennessee River Mile 393.4R, Jackson County, AL (*Nacoochee Point Subdivision*)

TO ALL CONCERNED: The project described below has been submitted for a Department of the Army (DA) permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899** and approval from the Tennessee Valley Authority (TVA) pursuant to **Section 26a of the TVA Act**.

The deposit of fill material associated with return water from a contained disposal area is administratively defined as a discharge of dredged material subject to Section 404 of the Clean Water Act and meets the criteria for authorization under Nationwide Permit (NWP) #16. On March 15, 2002, the state of Alabama, Department of Environment and Conservation, issued a categorical water quality certification for NWP #16 activities.

LOCATION: Mud Creek Mile 1.5, Right Bank, Jackson County, AL, Guntersville Lake, TRM 393.4R. USGS Map: Hollywood AL - Lat: 34-44-30, Lon: 85-52-00.

APPLICANTS: Mr. Jerry E. Rushing
(Nacoochee East Lots 15 - 21)
892 County Road 350
Hollywood, AL 35752

Mr. Gabriel Adam Elliot
(Nacoochee West Lots 1 - 5)
631 County Road 350
Hollywood, AL 35752

DESCRIPTION: The proposed work consists of dredging two private boat access channels in Mud Creek in order to obtain bottom Elevation 590 for safe navigation. Normal Summer Pool (NSP) of Guntersville Lake is 595; winter pool is Elevation 593. Dredging on the eastern channel would consist of removing approximately 3,087 cubic yards of material to form a channel measuring 35' wide by 1015' long with three cutouts for boatslips. Dredging on the western channel would consist of removing approximately 1,623 cubic yards of material to form a channel measuring 35' wide x 549' long. No dredging would occur within 10 feet of the NSP contour. The material would be removed from the lake by suction dredge and deposited into a contained disposal area on private property above Elevation 607. In addition, a private dock for Lot 1 would be constructed in the back of the western channel. Plans of the proposed work are attached to this notice.

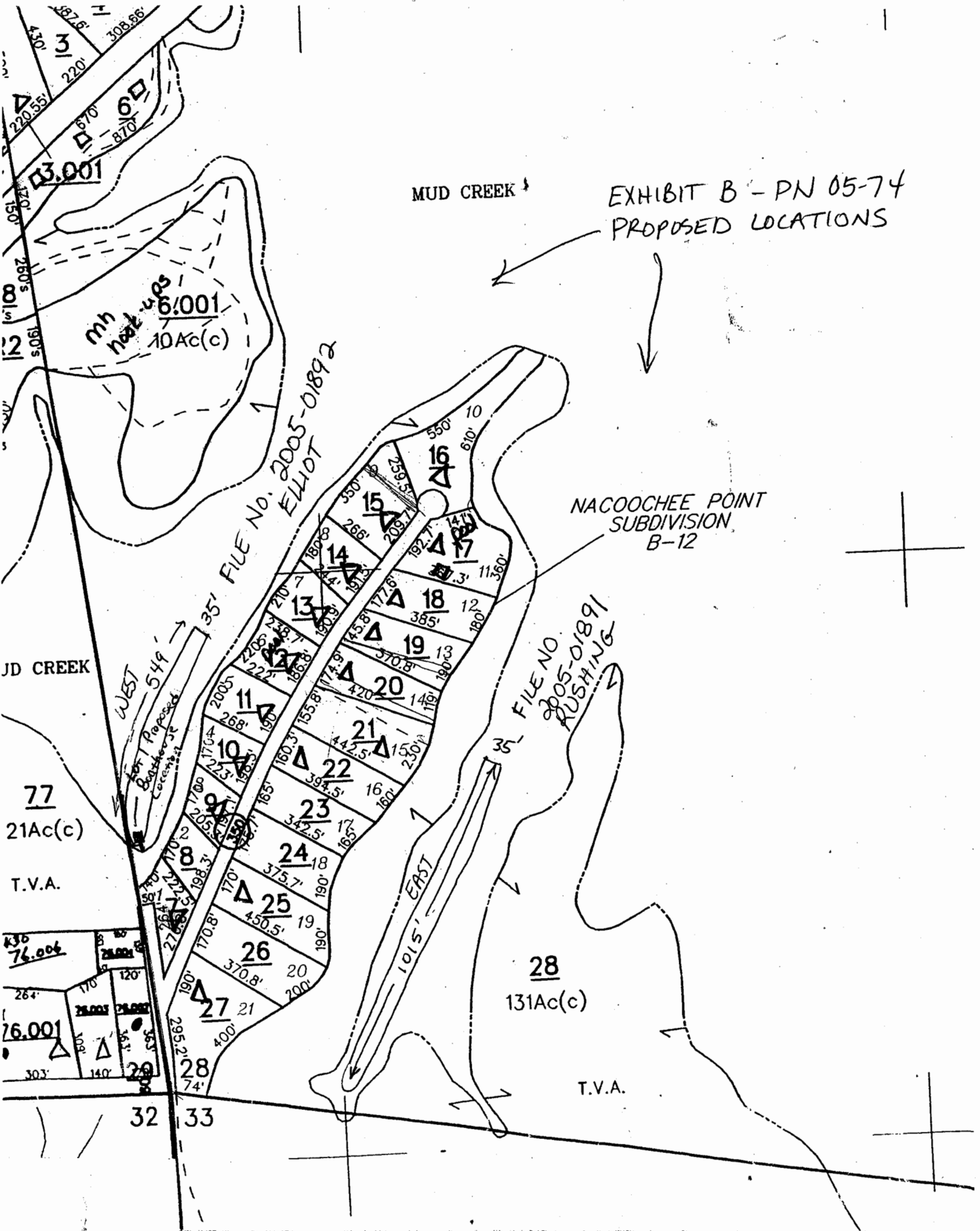
The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the work, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines it is contrary to public interest.

The Corps is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historical properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may be required for the work. In addition to other provisions, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts. Any person may request, in writing, within the comment period specified in this notice, that a hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before **September 29, 2005**, will become a part of the record and considered in the determination. Any response to this notice should be directed to Lisa Morris, at the above address, telephone (615) 369-7504. If you wish to send comments separately to TVA they should be directed to Richard Thrasher, 3696 AL Highway 69, Guntersville, AL 35976, telephone (256) 571-4284.



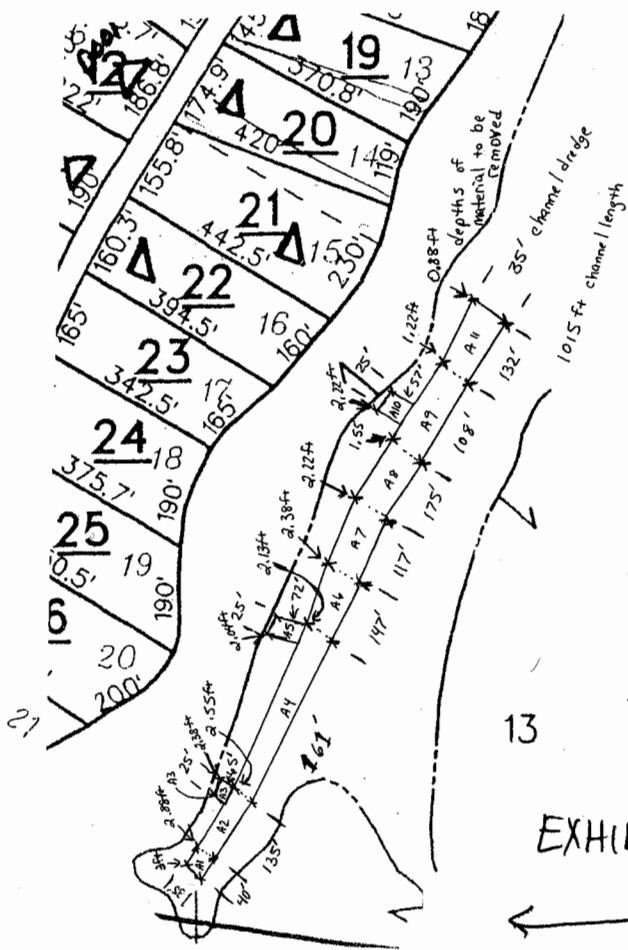
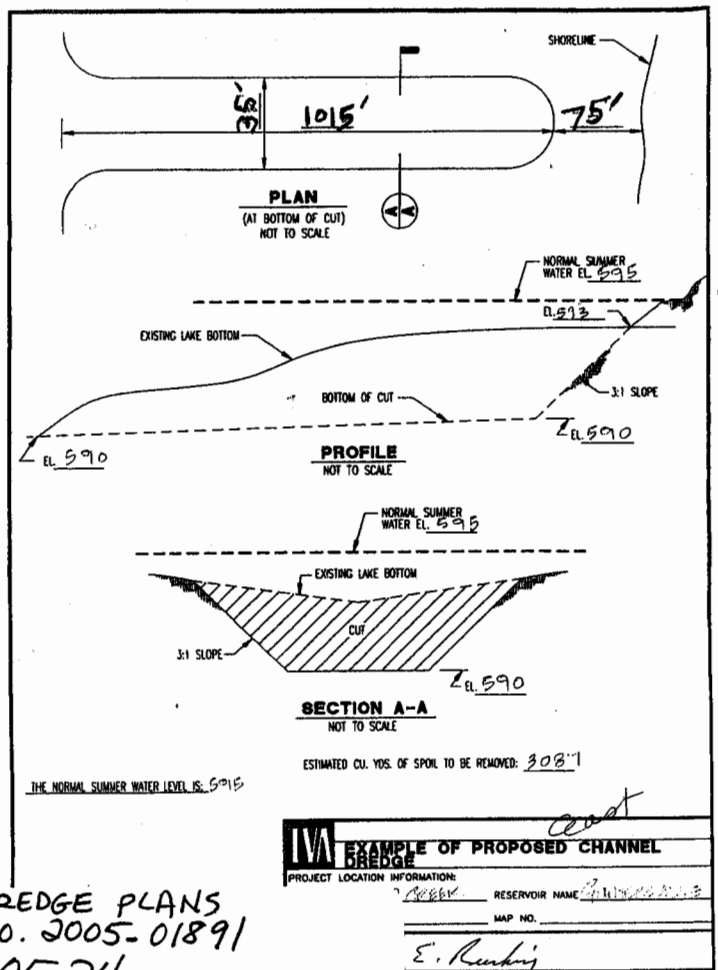
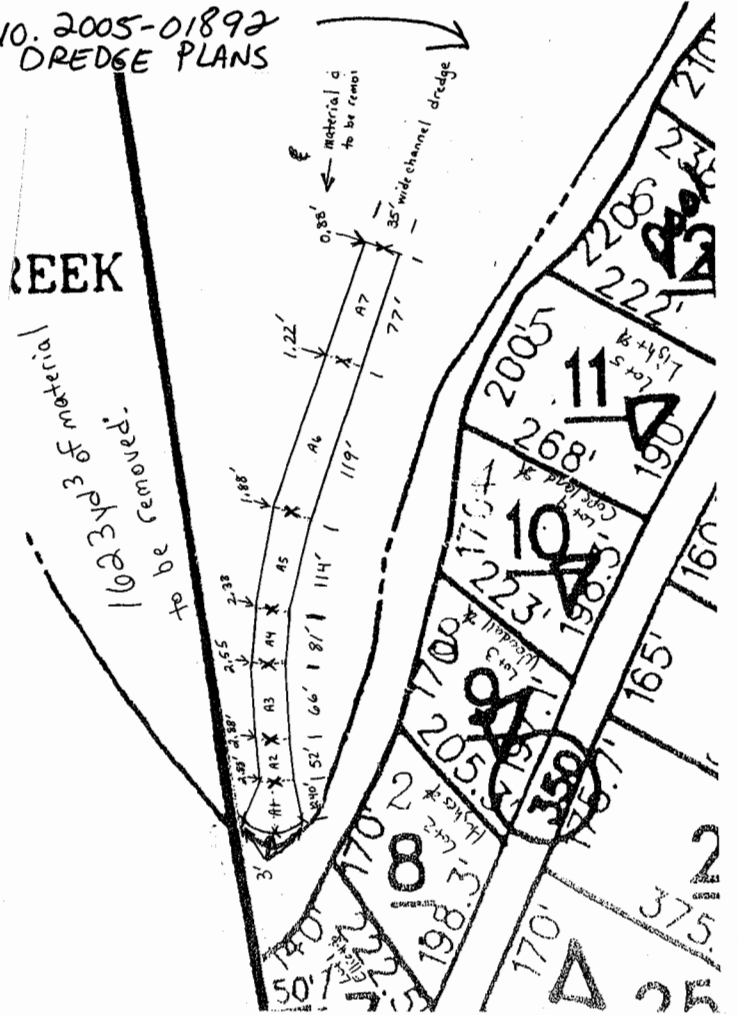
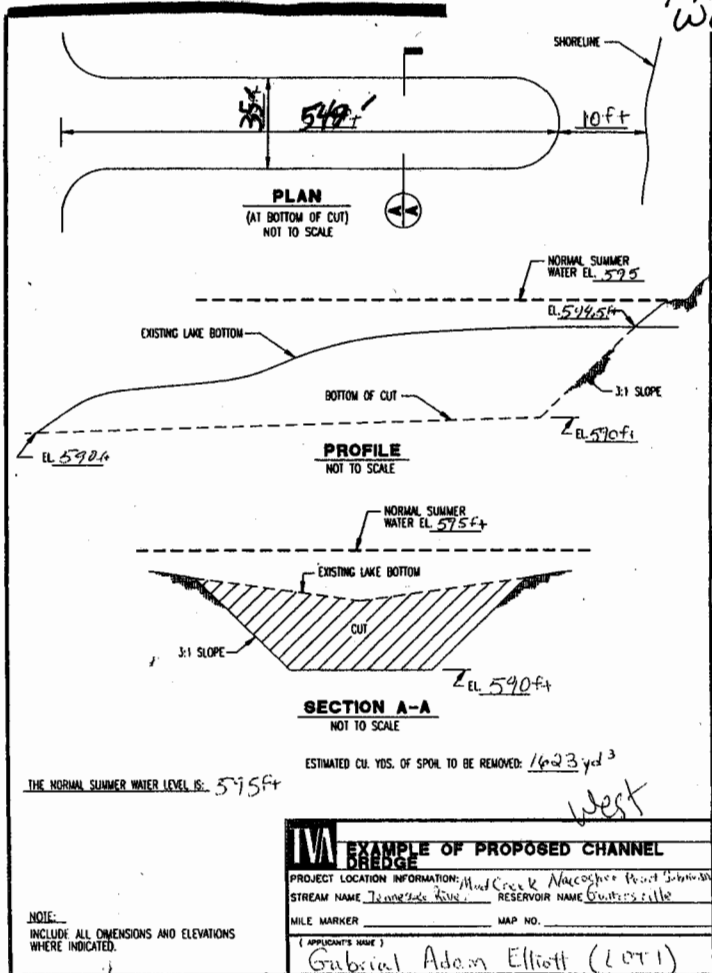


EXHIBIT C

EAST DREDGE PLANS
FILE NO. 2005-01891
PN 05-74



FILE NO. 2005-01892
WEST DREDGE PLANS



ISOMETRIC

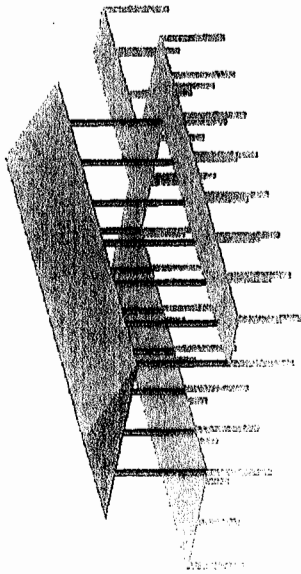
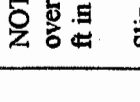
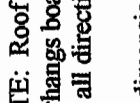
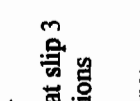
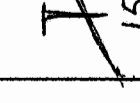
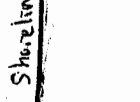
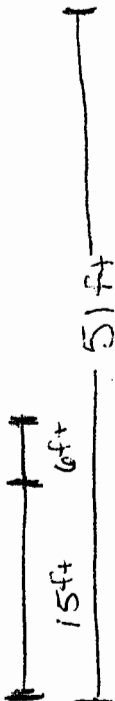
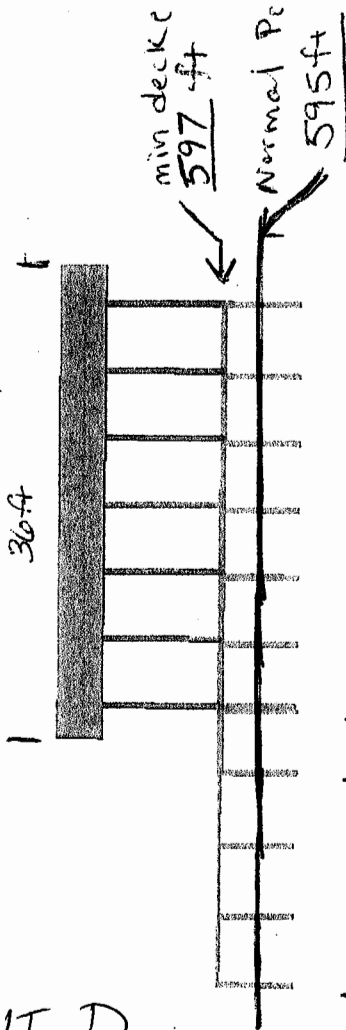


EXHIBIT D
FILE NO. 2005-01892
PN 05-74
LOT 1 DOCK PLANS
ELLIOT

SIDE



Stream Name: Tenn. River Mud Creek
Reservoir Name: Guntersville
Mile Marker: _____
Subdivision Name: Naclocher Point Lot 1
Map No. _____
Normal Summer water level elevation 594-595 ft.

Adam Elliott Lot 1
631 CO RD 350
Hollywood, AL 35752

